

EXHIBIT C

Woodland Hills Preliminary Plat Report - DRAFT

Have Mike send
over his fees to
Mitch Berkey

Package Submitted for Preliminary Plat Review

1. Preliminary Plat Sheet 1, rev. 1-27-05, 'CULVERT PIPE IN ROAD, ADJ. OWNERS, OPEN SPACE', 3458subd.dwg
2. Preliminary Plat Sheet 2, Boundary Map, rev. 1-28-05, 'DRIVE EASEMENTS, REMOVE DEEPS, OPEN SPACE', 3458lots.dwg
3. Common Drive CP-1, rev. 9-16-04, 'General Revision'
4. Common Drive CP-2, rev. 9-16-04, 'General Revision'
5. Habitat map, dated December 2004, 3458HABT.dwg
6. Draft of Conservation Easement
7. Common Driveway Maintenance Agreement - Sample document: Copy of agreement approved by Van DeWater and Van DeWater for subdivision in Pleasant Valley
8. Declaration of Restrictions - Example document: Copy of DR approved for subdivision in Pleasant Valley
9. Memo from K. McCulloch dated 1-31-05, no subject, documenting waiver requests regarding required improvements (177-25)

Modifications to Preliminary Plat Required for Final Plat**177-47 A (1)**

An actual field survey of the boundary lines of the tract, or portion thereof, to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. **The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Town Planning Board and shall be referenced and shown on the plat.**

-Location of all easement monuments must be shown on plat. All lot corners not marked by easement monuments must be located with 5/8" iron rods and shown on the plat.

177-47 B (1) (a)

Name of any new road to be checked prior to submission with the Town Clerk to avoid duplication and will be subject to subsequent approval of the Town Planning Board.

-Road names must be requested, reviewed by Town and E911, and approved by PB.

177-47 B (2) (b)

Proposed location of buildings, driveways and common drives in full accordance with zoning and highway regulations.

-Lot 1 shows existing house and site for new house. Two dwellings not permitted by Milan Zoning. Must provide deed restriction and plat note, approved by PB attorney, to clearly document alternatives available to purchaser of lot.

-Proposed driveway locations must be indicated.

177-47 B (8)

Temporary stakes or markers: The Planning Board may require the location of temporary stakes or markers adequate to enable the Planning Board to locate readily and appraise the basic layout in the field, including markers at the corners of the parcel.

-The conservation easement must be flagged with stakes before the habitat confirmation site visit.

Other:

Update legend for completeness

Provide a table that documents for each lot and the site as a whole:

- The acreage of each area
- The acreage within each area included in the conservation easement
- The portion of the area dedicated to conservation easement stated as a percentage of the acreage of each area.

(per my memo to K. McCulloch, 10-28-04, 'Woodland Hills Lot Table for Preliminary Plat')

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Provide stormwater plan for pond:

- Prevention of disturbance during construction
- Appropriate storm drainage design. Currently flows over driveway and ices during cold weather.

Other Requirements for Final Plat

Prior to the approval of the final plat, there will be a site visit conducted by members of the Planning Board, CAC, and Greenplan to confirm the location of the habitats, specimen trees, and conservation easement.

Prior to the approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

Waivers and Modifications to Required Improvements

Section 177-25A lists thirteen required improvements. Request for waivers (ref. 177-33) and requests for modifications (ref. 177-34) must be submitted in writing.

Waivers requested by memo from K. McCulloch dated 1-31-2005

1. Parks, playgrounds or other public open spaces of adequate size and location for recreational purposes.
*Recommend APPROVE waiver: pay recreation fees instead of providing recreation area(s).
2. Paved roads, roadways, common driveways and driveway aprons.
*Recommend APPROVE modification that common drives are unpaved with the conditions that grades exceeding 11% must be paved and common drive design and specs are approved by the Town Engineer
*Recommend DISAPPROVE request to waive paved aprons. Both Town Highway Superintendent and Town Engineer recommend paved aprons to minimize damage to drives due to snow plowing and surface degradation due to vehicle transitions to/from Town road.
3. Road signs and posts.- No road or street signs
4. Road lighting.
*Recommend APPROVE waiver as road lighting is contrary to rural character and Town's desire to maintain dark skies at night.
5. Curbs or swales.
*Recommend DISAPPROVE request to waive curbs or swales as there is no approved storm water plan. Waiver can be reviewed once storm water plan is approved.
6. Sidewalks or nonpaved walkways.
Recommend APPROVE waiver as sidewalks are contrary to rural character and the common drives can serve also as walkways from the homes to the street.
7. Road trees and treatment of buffer areas and other required landscaping - Waiver not required as conservation easement provides extensive buffer area.
8. Water supply and fire protection facilities. Waiver not required at this time. Fire protection requirements subject to fire department review.
9. Sanitary sewage disposal facilities. Waiver not required.
10. Storm drainage facilities. Waiver not required – must meet all storm water phase II requirements and be approved by Town Engineer and also DEC and Town Highway Superintendent, if appropriate.
11. Franchise utilities. Waiver not required if electric service, sufficient telephone support, and cable TV wiring is provided.
12. Seeding and other means of erosion control for all lands within the subdivision tract, including all lots, common areas and rights-of-way. No waiver required
13. Monuments or other acceptable markers suitably placed and installed.

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*Recommend DISAPPROVE request to use wooden markers as monuments.

Monuments per 200-39B(7) of the Milan Zoning code must mark the Conservation Easement. 5/8" iron rods must mark all lot corners not otherwise marked.

Other Waivers and Modifications

Improvements to be Included under Performance Guarantees

- Common driveways
- Utilities
- Storm drainage facilities
- Monuments

Others as specified by Town Engineer

Required for Final Plat Approval

The final plat and the supporting documents for a proposed subdivision constitute the complete plans for development of the subdivision proposal. After the required public hearing and approval by the Planning Board, this complete submission, along with the applicable performance guarantee and the general liability insurance policy, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board, the Town Engineer or other delegated town officials.

The final plat and the supporting documents must conform to all applicable sections of NYS Town Law and the Milan Town Code, especially Chapters 177 (Subdivision of Land) and 200 (Zoning), with specific attention to 177-14, 177-19, 177-44, and 177-48.

The final plat shall specifically address each of the conditions of the preliminary plat approval.

The final plat and other supplementary documents shall be filed with the Secretary to the Planning Board within six months after preliminary plat approval.

The final plat must comply in all respects with the preliminary plat and with any modifications, improvements and reservations required by the Planning Board in its approval of the preliminary plat.

In its review of a final plat for a major subdivision, the Planning Board may consult with the Town Zoning Enforcement Officer, the Town Superintendent of Highways, local fire departments, the Conservation Advisory Council, the Board's planning and engineering consultants, in addition to representatives from town, county and/or state agencies. Reimbursable costs incurred by the Planning Board for consultation fees, particularly for planning and engineering consultants, shall be charged to the applicant. Such reimbursable costs shall be paid by the applicant, prior to final plat approval.

Public hearing for final plat: The Planning Board may waive the public hearing required for a final plat application if the Board determines that the final plat is in substantial agreement with the approved preliminary plat including any modifications or requirements imposed by the Planning Board.

Payment of any outstanding fees.

Following list may be amended due to new or amended information

Satisfy all applicable requirements of Chapter 177, Subdivision of Land, and Chapter 200, Zoning. Specific emphasis on requirements of 177-14, 44, 19, 48.

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Submission Requirements for Final Plat

The final plat shall include all information required for sketch plan and preliminary plat phases of the application process.

The applicant shall submit the final plat certified by a licensed land surveyor and engineer, as required by law, at a scale of not more than one inch to 100 feet. The final plat shall include individual stamp/signature blocks for the Milan Planning Board and the Dutchess County Health Department and be suitable for filing in the office of the Dutchess County Clerk. The final plat shall bear no erasures and shall be on a sheet of paper not larger than 36 inches by 48 inches.

177-48

A. Lot map of the entire subdivision shall be the same as that required on the preliminary plat with the following additions for lot layout:

- (1) Individual lot identification by a suitable system of consecutive numbers.
- (2) Lot lines with accurate dimensions made and certified by a licensed land surveyor.
- (3) Lot areas for each lot measured accurately to the nearest dimension.
- (4) Minimum building setback lines, if imposed beyond zoning requirements through deed restriction, shown and dimensioned.

B. Survey data.

- (1) Accurate parcel boundary lines with bearings and distances.
- (2) Survey tie-in with accurate bearings and distances to nearest established road monuments or other official monuments, which are within reasonable distance of the property. When referenced to the state system of plan coordinates, they shall also conform to the requirements of the New York State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
- ~~(3) Special district boundaries, such as water or sewer, as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances.~~
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road.
- (5) Accurate dimensions to the nearest tenth of a foot.
- (6) Monuments and markers.
 - (a) Accurate location of all monuments (existing, proposed or to be reset) shall be shown.
 - (b) Monuments or other suitable markers shall be of such size and type as approved by the Town Engineer and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all road intersections, angle points in road lines, points of curve and such intermediate points as may be required by the Planning Board and Town Highway Specifications. Monuments must mark the Conservation Easement per 200-39B(7) of the Milan Zoning code. 5/8" iron rods must mark all lot corners not otherwise marked.

C. Required improvement plans and profiles.

- (1) The amount of all performance guarantees and conduct of all required inspections shall be based on these drawings, the final plat itself, these Subdivision Regulations and other applicable town specifications for such required improvements and utilities.
- (2) Unless a specific waiver is requested and granted in writing by the Planning Board, the proposed improvements and utilities shall comply specifically with these Subdivision Regulations and the other applicable town specifications for such improvements and utilities.
- (3) Basic drawing layout requirements are the same as those required for the preliminary plat and shall also include rights-of-way, gradients and directional arrows downhill.

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- (4) Designs for water lines, sewers, road, bridges and drainage structures shall be prepared by a licensed professional engineer.

177-26 Private and public utilities.

A. Private water supply and sewage disposal facilities. Where public water supply and/or sewage disposal facilities are not available, the Planning Board shall ascertain as a part of subdivision plat review and approval that each prospective lot and dwelling unit may be adequately served by acceptable privately owned water supply and sewage disposal facilities and ensure that all such on-site water supply and sewage disposal facilities shall be designed and installed in accordance with the requirements of the Dutchess County Health Department. To the extent authorized by the Public Health Law and the Dutchess County Health Department, the Planning Board may, in accordance with Article IX of these Regulations, waive this requirement for proposed lots in excess of five acres. Instead, the Planning Board may accept a note on the plat advising of applicable Health Department permit requirements which must be met prior to the issuance of a building permit by the Town of Milan; the note shall also include verification by the applicant's engineer that there is sufficient area on each lot where on-site water supply and sewage disposal facilities can be located.

- (5) Complete drainage system for the entire subdivision, ~~with appropriate development staging for each of the final plat sections,~~ shown graphically and related to all existing drainage features. Complete stormwater management plan that addresses pre and post development conditions and NYSDEC Phase II Stormwater requirements.

177-26 Private and public utilities.

- B. Public improvements and utilities.
 (2) Service connections.
 (c) Storm drainage system.

[1] The applicant shall install all necessary storm drainage sewers and appurtenant facilities at his/her expense, in accordance with standards of the town and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the applicant shall make proper connection thereto. Otherwise, the applicant shall provide appropriate means and methods for stormwater runoff satisfactory to the Planning Board and all other authorities having jurisdiction. In either event, the storm drainage facilities provided shall be fully consistent with storm drainage design standards which may be put into effect, and from time to time reviewed and modified, by the Planning Board.

[2] The drainage system shall be large enough to accommodate potential runoff from the entire upstream drainage area whether inside or outside of the subdivision. The Town Engineer shall approve the design and size of the drainage facilities based on anticipated runoff from a fifty-year storm under conditions of total potential development permitted by the Zoning Law¹ in the watershed.

[3] The applicant's engineer shall also study and report on the effect of the subdivision on the existing downstream drainage system outside the area of the subdivision; and this report shall be reviewed by the Town Engineer. When it is anticipated that the additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility during a fifty-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the plat until provision has been made for the improvement of said condition.

- (6) Utility system requirements.

(a) Water supply and distribution.

- ~~_____ [1] Location of source on property or, where piped in, the size of the supply main.~~
~~_____ [2] Location and size of all distribution mains.~~
~~_____ [3] Location of fire hydrants.~~
~~_____ [4] Local of control valves.~~

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- (b) Sanitary waste disposal systems.
 - [1] Sanitary sewer system design shall be indicated in all cases where public or private sewer connections exist or are proposed.
 - [2] Typical lot layout indicating the location of the individual system, where appropriate, with reference to house and water supply, and a detailed drawing of the proposed sanitary waste disposal system.

(c) Location of electric, telephone, cable TV, gas, and other energy-related lines in accordance with Public Service Commission rules and regulations.

~~(d) Location and description of road lighting.~~

(7) Profile drawing requirements.

(a) Drawings shall be prepared with a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals 10 feet, unless otherwise approved by the Planning Board.

(b) All profiles shall show the existing natural grades, the typical cross section of existing or proposed roads, the centerlines of intersecting roads and a system of survey stations.

(c) The centerline profile of all proposed roads with dimensions on vertical curves and notations as to gradient and critical elevations.

(d) Detailed plans for bridges, culverts or similar structures.

(e) The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in road rights-of-way, drainage or other easements.

(8) ~~Recreation and community improvements.~~

~~(a) Landscape plans prepared by a registered landscape architect, architect or professional engineer indicating proposed changes in existing grades and landscaping, including the following items: play areas, walkways, incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name) and other required improvements.~~

(9) Final engineering report.

D. Certifications.

(1) Certification of title showing that the applicant is the property owner or duly authorized agent of the property owner.

~~(2) Written offers of cession to the Town Board for all proposed public roads (except for rural lanes), rights-of-way, easements and open spaces shown on the subdivision plat and copies of agreements or other documents showing the manner in which open spaces, title of which is reserved by the applicant, are to be maintained. If a rural lane is part of the subdivision, an offering statement and maintenance agreement shall be submitted. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.~~

(3) A certificate by the Town Engineer certifying that the applicant has complied with one or both of the following alternatives:

(a) All or part of the improvements have been installed in accordance with the requirements of these Subdivision Regulations and with the action of the Planning Board granting approval of the preliminary plat.

(b) A performance bond or equivalent security has been posted available to the town in sufficient amount to assure completion of all required improvements.

(4) Protective covenants and other appropriate devices in form for recording.

- Common drive maintenance agreements (2)
- Utilities easements (2)
- Covenants, conditions and restrictions (CC&Rs) (general)
- CC&Rs for lot 1
- Conservation Easement

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- (5) Letters directed to the Chairperson of the Planning Board and signed by a responsible official or any governmental authority or district which must provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision. Assurance shall also be provided that the long-term ownership and maintenance of the utilities shall be provided in accordance with Article 12 of the New York State Town Law, or similarly acceptable mechanism.
- (6) A letter, in appropriate cases, directed to the Chairperson of the Planning Board, signed by a responsible official of the State Department of Transportation, or the Dutchess County Highway Department, approving proposed construction and access on state or county rights-of-way, respectively. If access or construction affects a town roadway, approval of the Town Highway Superintendent shall be similarly required.
- (7) To the extent required by the Public Health Law and the Dutchess County Sanitary Code, endorsement and approval by the Dutchess County Health Department for the plans for all water supply and sewage disposal facilities shown on the final plat. If Dutchess County Health Department approval is not required, certification by the applicant's licensed professional engineer that an approvable individual sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the proposed lots (such certification by the applicant's engineer shall be noted on the final plat).
- (8) A memorandum and copies of related documentation establishing specific compliance with each of the conditions stated within the preliminary plat approval resolution, including a copy of all necessary permits from county or state agencies which may be required due to the particular circumstances of the subdivision and the nature and location of the intended improvements.
- (9) Certification that the applicant has paid the required application fee, recreation fee (when applicable), consultant fees, easement donations, and other payments specified in these Subdivision Regulations.

Additional Requirements

Performance guarantees for required improvements: A performance bond or equivalent security shall be delivered to the Town Board to guarantee thereby to the town that the applicant shall faithfully cause to be constructed and completed within a reasonable time the required improvements.

- A. Procedure: Before the Planning Board grants final approval of the final subdivision plat, the applicant shall provide to the Planning Board a detailed engineer's cost estimate for all required improvements for review and concurrence by the Town Engineer. Final approval of the final subdivision plat shall subsequently follow the procedure set forth in either Subsection A(1) or A(2).

(1) If any amount is set by the Planning Board, the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance guarantee to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of § 277 of the New York State Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year, or such other period as the Planning Board may determine appropriate, but not exceeding three years, shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. The applicant shall additionally file a copy of said certified check or other performance guarantee with the Planning Board. If the Planning Board shall decide at any time during the term of the performance guarantee that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guarantee or that required improvements have been installed in sufficient amount to warrant reduction in the amount of said performance guarantee or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its requirements for any or all such improvements, and the face value of such performance guarantee shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in

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full of the amended list of improvements required by the Planning Board, and any security deposited with the bond may be reduced or increased proportionately.

(2) The applicant shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter specifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the applicant shall file with the Town Clerk a bond or certified check covering the costs of such improvements, in addition to the cost of satisfactorily installing any improvements not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Board Attorney as to form, sufficiency, manner of execution and surety. The applicant shall additionally file a copy of said certified check or other performance guarantee with the Planning Board. The applicant shall file with the Town Board a maintenance bond in an amount of 15% of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition and operation of the initial public improvements for a period of one year following their completion and acceptance. Such maintenance bond shall be satisfactory to the Town Board Attorney as to form, manner of execution and surety and in an amount satisfactory to the Town Engineer. The applicant shall additionally file a copy of said certified check or other performance guarantee with the Secretary of the Planning Board.

- B. As-built drawing required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map, certified by the applicant's engineer and satisfactory to the Planning Board, has been submitted indicating the specific location of all underground utilities as actually installed. If the applicant completes all required improvements according to provisions of Subsection A(2) above, then said map shall be submitted prior to endorsement of the final plat by the Planning Board Chairperson. However, if the applicant chooses to provide a performance guarantee for all required improvements as specified in Subsection A(1) above, such bond or equivalent security shall not be released until the required as-built drawing is submitted and deemed satisfactory by the Planning Board.

General liability insurance.

- A. Filing requirement. The applicant shall file with the Town Attorney a general liability insurance policy at the same time that the performance guarantee is filed. The general liability insurance policy shall be in force during the term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The applicant shall additionally file a copy of said certified check or other performance guarantee with the Planning Board.
- B. Limits of coverage. The policy shall insure the town and the applicant and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability for bodily injury and/or property damage as specified by the Town Board, upon recommendation of the Town Engineer and/or Town Board Attorney.

Open Development Area (ODA): Milan Town Board must, by resolution, establish Woodland Hills as an open development area as required by NYS Town Law 280-a. Requires:

- Letter from applicant to Town Board requesting ODA designation
- Review of plat and site visit by fire/emergency services personnel
- Recommendation from Planning Board
- Review by Town PB Attorney
- Review and recommendation by Town Board Attorney
- Approval of Town Board by resolution

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Offering of Conservation Easement

- Submission of offering to Town Board
- Recommendation of Planning Board and CAC
- Public hearing
- Vote on acceptance